श्री जगदीश प्रसाद माथुर : मैं क्षमा चाहता हूं। आपको गलतफहमी है। उधर से जितना इंटरप्ट करते हैं या और जितना इंटरप्ट करते हैं मैं उसका एक बटा पचास भी नहीं करता।

THE DEPUTY CHAIRMAN: They do not interrupt me. I am sorry. Mathur Sahib, nobody interrupts me. Just now I allowed Mr. Ambedkar to speak. Mr. Malohtra got up without my permission and started speaking. You also got up without my permission and started speaking. When I allowed you, after that you should listen to me. I am trying to say what the Secretariat has told me. But you are allowing me to say that and you are interrupting me. What is the reason? I do not understand.

SHRI JAGDISH PRASAD MATHUR: I am sorry, Madam. But it has been the practice with 99 per cent speakers... (*Interruptions*).

THE DEPUTY CHAIRMAN: Do you want to continue with the wrong practice? Do you want to be a party to the good practice or a bad practiec? Decide it whether you want to be a party of a bad practice or a good practice. I don't expect you to be a bad Member of Parliament.

SHRI JAGDISH PRASAD MATHUR: Thank you very much for the compliment.

THE DEPUTY CHAIRMAN: In spite of everything, I give you compliment. Please keep quiet. We have very little time. Today, we spent more time. I will find it out. But the Secretariat has behaved very well. They have done everything. They worked on Saturday and Sunday and accepted the questions. Now when they get the message from the President, then only they will issue the summons. So, we will find out as to how this delay occurred and what the reasons was.

SHRI PRAKASH YASHWANT AMBEDKAR: My question is totally different.

THE DEPUTY CHAIRMAN: What is your question?

SHRI PRAKASH YASHWANT AMBEDKAR: My question is, some have received it on the 9th itself. I do agree. But they have received it after three o'clock. So, how it is possible that they have submitted it after three o'clock.

THE DEPUTY CHAIRMAN: I will make that enquiry and find out whethey it was delayed in delivery. This point has also been raised by other Members from the Janata Party. We will find out and let you know about it. But now that matter is not that controversial. Now Shri Tindivanam G. Venkataraman.

Re-Demand for placing Tamil Nadu in the Ninth Schedule of the Constitution.

SHRI TINDIVANAM G. VENKATRAMAN (Tamil Nadu): Madam Deputy Chairman, I wish to bring to the notice of this august House a burning issue that has arisen in Tamil Nadu regarding 69 per cent reservation being negated by drawing a limit of 50 percent by the Supreme Court ruling in Sawanis case. Madam, this reservation policy dates back to 1921 and it was passed in the form of a communal G.O. by the then Law Minister, Muthiah Mudaliar. There was a jolt to this G.O. in Senbagam Durairajan's case before the Supreme Court. The agitation carried on by Thanthai Periyar, Dr. Anna and Kamarai led Pt. Jawaharlal Nehru, the then Prime Minister, to amend the Constitution.

Now, again a halt has been put in this age-old right of reservation in respect of the State of Tamil Nadu. Our leader, Dr. Kalaignar, had written letters to all the national leaders in this regard on 27.6.94. All the

[Shri Tindivanam G. Venkataraman]

leaders in one voice uniformly expressed their staunch support that the assent should be given to the Bill passed by the Tamil Nadu Assembly and stated that a Constitutional amendment should be brought in to place this right in the IX Schedule.

Madam, through you, I would urge upon the Prime Minister to bring in the necessary Bill in this regard to include it in the Ninth Schedule. We want an assurance from the Prime Minister that an amendment will be made in this Session itself. If the Government does not bring in the necessary amendment and simply postpones it, then the Government will be facing serious consequences in Tamil Nadu. At present, anybody can knock at the doors of the court and file a writ. By doing so, they can stop the passage of this Bill if you do not include it in the Ninth Schedule. They can follow this *modus operandi*. I request through you, Madam, the Prime Minister that a suitable amendment should be made in the Constitution and an assurance should be given on the floor of this House that it will be carried out in this Session itself. At the same time, the States should be given the right to decide the reservation percentage according to their population.

SHRI T. A. MOHAMMED SAQHY (Tamil Nadu): Madam, the Government should come forward with an amendment Bill in this regard to amend the Constitution.

SHRIMATI JAYANTHI NATARAJAN (Tamil Nadu): Madam I want to support Mr. Venkataraman and what he said just now, the reservation for the OBCs who have enjoyed it. As he has pointed out, in 1951 it was first the Congress Government in Tamil Nadu which brought in the first reservation. Madam, preceded by the communal G.O. which was struck down by the Supreme Court at that time. From the beginning, the Congress Party in the State has been fighting for the cause of reservation. We were the first to bring in the first reservation in 1951 in Tamil Nadu, the privilege, Madam, drawn in the 50s. Tamil Nadu has enjoyed the reservation and the most remarkable thing about the reservation to be enjoyed not only in jobs but also in educational institutions in the State is that there was not a single agitation, not a drop of blood, not one person out of the streets protesting against it, because Madam, the then Congress Government in the State had the visionary in the statesmen over there like Mr. Kamraj to see that it was implemented poperly. They do not bring it, Madam, as Mr. V. P. Singh did just because Mr. Devi Lal was going to have a rally without preparing the ground for it. Madam, because this is zero Hour, and without wasting the time of the House, I want to say that the ground is prepared for it. We have enjoyed it for so many years. Unfortunately, because of the political expediency of certain leaders and political parties in Delhi, particularly Mr. V. P. Singh and other parties, this is being endangered in our State. What we have enjoyed for so many years is being endangered in our State. Madam, the State Government has brought in a legislation to protect this. The Supreme Court has struck down the total quantum of reservations and we are now in an anomalous situation where 69 per cent reservation, according to the Supreme Court Order, is to be brought down to 50 per cent. It is going to bring down the level of reservation apart from what we have already enjoyed till now. Now, the Legislative Assembly of Tamil Nadu has passed a legislation to keep the percentage of reservation at 69. Madam, this at best is only a stop-gap arrangement because this can also be challenged in the court of law and, again, Madam, those who have already enjoy-

ed the reservation will be losing it. I, therefore, would also like to join all those who have asked for it to request the Government to bring a constitutional amendment to see that 69 per cent reservation in the State of Tamil Nadu is protected.

Thank you, Madam.

SHRI V. NARAYANASAMY (Pondicherry): Madam, please allow me to speak on this matter.

THE DEPUTY CHAIRMAN: Let me allow Muthu Mani first and then I will allow you. Okay?

SHRI S. MUTHU MANI (Tamil Nadu): Thank you, Madam, for giving me this opportunity. I on my own behalf, on behalf of the All India Anna-DMK to which I belong and also on behalf of the hon. Chief Minister of Tamil Nadu, take this opportunity to thank the President and the Prime Minister for giving their assent to the Tamil Nadu Bill for enhancing the percentage of reservation to the most backward, the Scheduled Castes and the Scheduled Tribes to sixty nine. I request the Government and the Prime Minister to include the Tamil Nadu Act in the Ninth Schedule of the Government. I also request the Government to bring in a constitututional amendment Bill in this Session itself to amend Articles 15 and 16 of the Constitution for the advancement of the socially and educationally backward classes of citizens. The Supreme Court, in its judgement on the Mandal Commission recommendations, has laid down that reservation in all cases should not exceed 50 per cent. Madam, the population of the backward classes and the level of their social and educational development very from State to State. It is, therefore, not possible to adopt a uniform reservation policy to the nation as a whole. It is not only proper but also necessary to effect changes in the Indian Constitution by an amendment. I request the Prime Minister and the Government to bring in such an amendment very early within this session.

SHRI V. NARAYANASAMY Madam, I rise to support the demand made by Mr. Venkatraman for bringing in a constitutional amendment on reservations as far as Tamil Nadu is concerned. Madam, right from the day of independence, the people of Tamil Nadu, especially the backward classes, have been enjoying the 69 per cent reservation. After the Mandal Commission recommendations and the Supreme Court finding that the reservation should not exceed 50 per cent, a lot of controversy has been raised in Tamil Nadu and there was an agitation in Tamil Nadu and, thereafter, the Legislative Assembly in Tamil Nadu, in its wisdom, passed a Bill for extending the reservation to the backward classes to 69 per cent. Madam, the Tamil Nadu Government also sent the Bill to the Government of India. The Tamil Nadu Chief Minister with an all-party delegation met the hon. Prime Minister. The Prime Minister was very sympathetic and he told them that the Government of India would consider the legal aspect of it and try to help Tamil Nadu in accepting this Bill. The credit for this should go to the hon. Prime Minister who made all efforts to see that the Backward Classes in Tamil Nadu are not deprived of reservation. Thereafter, the hon. Prime Minister directed the hon. Home Minister to convene an all-party meeting and the leaders of various political parties participated in the meeting. I am thankful to all the party leaders because they have unanimously said that so far as the State is concerned, the percentage of reservation for the Backward Classs, whatever they want, should be left to the discretion of the State concerned. On that basis the recommendation was made and the hon. President was pleased to give assent to the Bil. It is the apprehension of the hon. Members in this House and also the people outside that in view of the Supreme

Court judgment this Bill can be struck down by a court because the reservation which is being given to the Backward Classes in Tamil Nadu may go against the principle of the Supreme Court judgment on the Mandal Commission Report. Therefore, a Constitutional amendment is very much required to safeguard the interests of the Backward Classes in Tamil Nadu. I, therefore, urge upon the Central Government to bring a Constitutional amendment in this session itself so that this controversy can be resolved.

SHRI O. RAJAGOPAL (Madhya Pradesh): Madam, I would like to associate myself with the view expressed by my friend. I don't want to repeat all the arguments. But I would like to point out one aspect. Certain rights were being enjoyed by the people for the last so many years. Those rights should not be taken away because of the judgment. Therefore, appropriate legislative measures should be taken to ensure that the rights, which were being enjoyed for a long number of years, should be continued.

SHRI PASUMPON THA. KIRUTTINAN (Tamil Nadu): Madam, almost all the parties support this issue. So, we request the Government to bring a Constitutional amendment Bill in this session itself. (*Interruptions*)..

SHRI S. VIDUTHALAI VIRUMBI (Tamil Nadu): Madam, Mr. V. P. Singh has actually brought reservation in all the Central Government jobs. Therefore, we should not malign Mr. V.P. Singh. (*Interruptions*)...

THE DEPUTY CHAIRMAN: Please sit down. (*Interruptions*)... You please sit down. Anything which is concerning Tamil Nadu is a little bit disturbing. (*Interruptions*)...

SHRI V. NARAYANASAMY: Madam, we are together on this issue. (*Interruptions*)...

THE DEPUTY CHAIRMAN: I know that. I am very happy that you are all together. That is the same thing which I observed, that when there is anything which is concerning Tamil Nadu everybody gets up, even if they are supporting it. (*Interruptions*) Mathur Sahib.

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL PUBLIC GRIEVANCES AND PENSION AND THE MINISTER OF SIONS AND THE MIMISTER OF PARLIAMENTARY AFFAIRS (SHRI- may I say something? (*Interruptions*) ...

THE DEPUTY CHAIRMAN: Please sit down. She has got up.

SHRIMATI MARGARET ALVA: Madam, I know that Tamil Nadu has raised this issue of reservation today and everybody stands together. I may say that, in fact, in the State of Karnataka the reservations have gone even beyond what you are having in Tamil Nadu. It is much higher. I think all of us are committed to protecting the interests of those who have taken these decisions. I will certainly convey to the Government the sentiments which have been expressed and the Government will take a decision.

SHRI SANGH PRIYA GAUTAM (Uttar Pradesh): What about Scheduled Castes and Scheduled Tribes who are deprived of their right by the Supreme Court judgement? (*Interruptions*) Are you concerned about those who have been deprived of their right by the Supreme Court judgement? (*Interruptions*)...

SHRIMATI MARGARET ALVA: Who has taken away their right? (*Interruptions*)..Nobody has taken away their right. (*Interruptions*)...

SHRI SANGH PRIYA GAUTAM: Why have these poor fellows been deprived of their right? *(Interruptions)*

श्री दिग्विजय सिंह (बिहार) : आप लंच के लिये एडजोर्न कराइये ।

THE DEPUTY CHAIRMAN: Now I have to adjourn the House. I was asking Mathur Sahib to speak.

. . . (*व्यवधान*) . . .

आप माथुर साहब को बोलने नहीं देते हैं । . . . (*व्यवधान*) . . .

श्री जगदीश प्रसाद माथुर (उत्तर प्रदेश) : सिर्फ तीन चार मिनट लूंगा ।

श्री दिग्विजय सिंह : नहीं, नहीं । लंच के बाद बोल लीजिये ।

THE DEPUTY CHAIRMAN: We will have it after lunch hour.

The House is adjourned for lunch till 2.30 P.M.

The House then adjourned for lunch at 1.30 P.M.

The House reassembled after lunch at thirty-two minutes past two of the clock, The Vice-Chairman (Shri V. Narayanasamy) in the Chair.

Re. attack on Indian Diplomats in Pakistan and flouting of code of conduct by Pakistan.

श्री जगदीश प्रसाद माथुर (उत्तर प्रदेश): श्रीमन्, मैं आपके माध्यम से हमारे डिप्लोमेटस के साथ पाकिस्तान की सरकार जो कुछ करती रही है, उसकी ओर सदन का ध्यान आकृष्ट कराने के लिये और उसकी घोर निन्दा करने के लिये खड़ा हुआ हूं ।

श्रीमन्, अभी पिछले दिनों जब हमारी सरकार ने यहां पर वास्तव में खुफिया कागजात को लेने की कोशिश करते समय पाकिस्तान का एक डिप्लोमेट पकड़ा और उसको वापिस जाने को कहा, यद्यपि पाकिस्तान के पास कोई सबूत नहीं था कि हमारे डिप्लोमेट वहां पर कोई गड़बड़ी कर रहे हैं, फिर भी उनको पकड़ा गया, पीटा गया, उनकी कार के ऊपर हमले किये गये और यह अत्यन्त निंदनीय बात है, लेकिन मुझे आश्चर्य इस बात का है कि आज इतना होने के बाद भी हम लोग उनसे बार-बार वार्ता करने के लिये उत्सुक दिखाई देते हैं, क्यों? हमने ईमानदारी से पाकिस्तान को जांचने में गलती की है कि वह किसी भी हद तक जा सकता है और वह कोड आफ कंडक्टस जो डिप्लोमेटस के लिये है, वह उसको कभी भी स्वीकार नहीं करेगा, नहीं करेगा । 1992 में में एक समझौता हुआ था, कोड आफ कंडक्टस बना था, उन्होंने उसे स्वीकार किया था लेकिन शायद एक दिन भी ऐसा नहीं जाता जब कि इस कोड आफ कंडक्टस का उल्लघंन पाकिस्तान न करता हो । यह मैं मानता हूं कि दूतावासों में एक अधिकारी इंटेलिजेंस का होता है लेकिन उसमें भी इंटेलिजेंस करते समय कुछ इंटेलिजेंस की बुद्धि की आवश्यकता होती है । पाकिस्तान या अन्य दूतावासों के या हमारे देश के जो इंटेलिजेंस के लोग हैं, उनमें एक अन्तर है । पाकिस्तान खुल्लम-खुल्ला, बे-ईमानी, चोरी, रिश्वत आदि देकर हमारे आदमियों को खरीदने की कोशिश करता है । कौन नहीं जानता कि पिछले समय जो यहां पाकिस्तान के दूतावास के मुख्य थे, वे चोरी-छिपे से केरल जाकर गुटबाजी कर रहे थे, हमारे लोगों को बरगला रहे थे और ऐसे एक नहीं बीसियों उदाहरण हैं । तो मैं सरकार से पूछना चाहूंगा कि इतना होने के बाद भी कौन सी ऐसी सीमा होगी जिस दिन आप उनसे वार्ता करना बन्द कर देंगे? क्यों किया जा रहा है, मेरी समझ में नहीं आता? लेकिन एक बात स्पष्ट है, यह भारत सरकार भी जानती है, पाकिस्तान भी जानता है कि इस प्रकार की वार्ताओं से कुछ निकलने वाला नहीं है । मैं पूछना चाहूंगा कि 22 तारीख को (*समय की घंटी*) बात तो पूरी कर दीजिये ।